

**AGREEMENT ESTABLISHING
THE IDAHO UNIFIED CERTIFICATION PROGRAM
FOR THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

THIS AGREEMENT is made and entered into by and between the attached listed Recipients and the Idaho Transportation Department (ITD), each a recipient as that term is defined by 49 CFR Part 26.81 and in accordance with the ITD approved Disadvantaged Business Enterprise (DBE) Program.

WHEREAS, 49 CFR Part 26.81 requires federal transportation fund recipients of a state to create a Unified Certification Program (UCP) as part of each recipient's DBE program; and

WHEREAS, the parties require certification, recertification, and decertification of firms as a DBE; and

WHEREAS, all recipients of federal transportation funds in this state are covered by the requirements of 49 CFR Part 26.81, and are also required to participate in a Unified Certification Program; and

WHEREAS, the parties desire to join together for cooperative action pursuant to carrying out the requirements of 49 CFR Part 26 and to establish an Idaho Unified Certification Program (IUCP); and

WHEREAS, the governing board of each party has by resolution authorized the entering into of the Agreement and the establishment of the IUCP; and

WHEREAS, by that agreement each current recipient and/or future recipients identified by the ITD are bound by the requirements of the IUCP and agree to abide by the requirements of the IUCP which is a continuation of the ITD current and previous process.

NOW, THEREFORE, in consideration of the mutual promises and benefits that each party shall derive therefrom, the parties agree as follows:

ARTICLE I

PURPOSES

The parties have entered into this Agreement for the purposes of creating an Idaho Unified Certification Program (IUCP) to be administered by the Idaho Transportation Department Civil Rights Office (ITD/CRO). The ITD/CRO will oversee the process for designation of a Certification Committee as stated in the approved ITD DBE Program under section III DBE Certification Process, A. Certification Committee. This Certification Committee will perform DBE certification, recertification, and decertification for Idaho recipients.

ARTICLE II

SERVICES

Section 2.1. Idaho Unified Certification Program

The IUCP is hereby created and implemented in accordance with 49 CFR Part 26.81, as amended.

a. The IUCP will follow all certification, recertification, and decertification procedures in accordance with the certification standards of CFR 49, Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 as applied by the ITD in its DBE Program. This is addressed in the DBE Program Plan in Section III. DBE Certification Process C. Application Procedure for Certification as follows:

- i. Applications are available from the ITD DBE Coordinator in the ITD Civil Rights Office, the EEO Safety Training Coordinators (EST) in the ITD District Offices, or on the ITD Civil Rights Website.
- ii. Applications with backup documentation are submitted to the ITD DBE Coordinator in the ITD Civil Rights Office at 3311 W. State Street, Boise, Idaho 83703-1129.
- iii. The DBE Coordinator reviews the application and documentation to verify that the information is complete and then requests that the appropriate EST perform an on-site review.
- iv. The Certification Committee will meet every thirty (30) days or sooner if necessary. The Certification Committee will make eligibility decisions within 90 days of receipt of all required information.
- v. Out of state firms applying for certification must be certified within their home state to qualify for the Idaho program. On-site-reviews from the out-of-state applicant will be accepted from the home state certification entity. All other functions of the certification process for an out-of-state firm are the same as identified above.
- vi. A firm that believes that they have been wrongly denied certification may appeal in writing to the United States Department of Transportation, Office of Civil Rights, 400 7th Street, S.W., Room 2401, Washington, D.C. 20590. Appeals must be submitted within ninety (90) days after certification has been denied.

- vii. A firm that receives a Notice of Intent to Decertify may request an informal hearing by the ITD Deputy Director. Requests for an oral hearing need be submitted within 10 days of the notification and will be conducted within 30 days of receipt of the request. A hearing request for written arguments must be submitted within 30 days and then the Deputy Director will make a decision within 30 days from receipt of the request. Any request for a hearing must be directed to the Deputy Director at the Idaho Transportation Department, 3311 West State Street, Boise, Idaho 83703-1129.
 - viii. The Idaho electronic DBE Directory located on the ITD website will be updated with additions, deletions, and other changes as they occur. In addition to this update interested members of the IUCP will be notified of changes as they occur.
- b. The IUCP will cooperate fully with oversight, review and monitoring activities of the United States Department of Transportation (USDOT) and its operating administrations.
- c. The IUCP will implement USDOT directives and guidance concerning certification, recertification, and decertification procedures in accordance with the certification standards of CFR 49, Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 as applied by the approved ITD DBE Program Plan.
- d. Each recipient party to this Agreement shall ensure that the IUCP has sufficient resources and expertise to carry out the requirements of 49 CFR Part 26. The ITD/CRO currently is receiving appropriate resources to provide the needed actions to meet the requirements of 49 CFR Part 26 in the establishment and implementation of the IUCP.
- e. The IUCP will be fully implemented within 120 days of the Secretary's approval of the IUCP on the following schedule:
 - i. Within 90 days of the Secretary's approval of the IUCP, each party to this agreement will begin to utilize the unified procedures set forth in the IUCP Agreement.
 - ii. Within 120 days after the Secretary's approval of the IUCP, the Committee will begin to meet on a regular basis as required to certify DBE applicants.
 - iii. Within 60 days after the Secretary's approval the IUCP will post the unified DBE Directory on it's website.

Section 2.2. Idaho Unified Certification Committee

The ITD/CRO is identified as the administrator of the IUCP and responsible for the process for designation of the Certification Committee (Committee) which is established to administer the IUCP certifications as required by the approved ITD DBE Program Plan and CFR 49 Part 26, Subpart D and Subpart E.

Section 2.3. DBE Directory

The DBE Directory will be maintained in electronic format by the Idaho Transportation Department, DBE Supportive Services Office. The Directory will be available to the public through the ITD website. Each recipient will provide a link on its website to the ITD website.

Section 2.4. Classification of Business and Financial Information On a quarterly basis the ITD will distribute a printed copy to each recipient to ensure that confidential information is not disclosed to unauthorized persons. Each recipient under this Agreement shall ensure that confidential information that may be considered confidential business information consistent with Federal, State and local law. The ITD will update interested members of the IUCP will be notified of changes as they occur.

ARTICLE III

TERM AND SCOPE OF AGREEMENT

Section 3.1. Term

This agreement shall be effective immediately upon its execution by all the parties hereto and the approval of the IUCP by the Secretary of the USDOT. This Agreement and the IUCP shall continue in force as long as required by federal laws and regulations, unless terminated pursuant to Section 3.2. of the Agreement.

Section 3.2. Early Termination

Any party to this Agreement may terminate its relationship to the IUCP upon a showing of non-recipient status, provided approval is given by USDOT for such termination.

Section 3.3. Limited Agreement

This Agreement is limited in scope and nothing contained in this Agreement shall imply any relationship between any of the signing parties beyond the creation and implementation of the IUCP.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below and attached:

IDAHO TRANSPORTATION DEPARTMENT

BY: _____
Dwight M. Bower, Director

DATE: _____

APPROVED AS TO FORM:

BY: _____
Legal Counsel